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No. 0702 P. 1

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# Fax

**To:** Examiner Peter J. Vrettakos  
Art Unit: 3739

**From:** Thomas Spinelli, Esq.  
Registration No.: 39,533

**Fax:** 571-273-8300

**Pages:** 7

**Phone:** 571-272-4775

**Date:** May 24, 2007

**Re:** USSN: 10/718,189  
Our Docket: 17272

**CC:**

## RESPONSE TO RESTRICTION REQUIREMENT

The following is being filed with the U.S. Patent and Trademark Office via facsimile on May 24, 2007:

1. Response to Restriction Requirement W/Transmittal In Duplicate
2. Certificate of Transmission Under 37 CFR 1.8

**Applicant:** Tsutomu Okada  
**Serial No.:** 10/718,189  
**For:** DIATHERMIC CUTTER  
**Filed:** November 20, 2003  
**Docket:** 17272  
**Dated:** May 24, 2007  
**TS:**cm

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PTO/SB/97 (09-06)

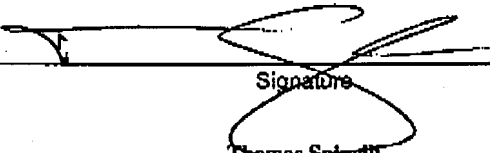
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No. 0702 P. 3

<b>TRANSMITTAL LETTER</b> (General - Patent Pending)	Docket No. 17272
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In Re Application Of: **Tsutomu Okada**

Application No. <b>10/718,189</b>	Filing Date <b>November 20, 2003</b>	Examiner <b>Peter J. Vrettakos</b>	Customer No. <b>23389</b>	Group Art Unit <b>3739</b>	Confirmation No. <b>9810</b>
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Title: **DIATHERMIC CUTTER**

COMMISSIONER FOR PATENTS:

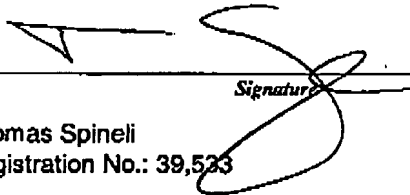
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**RESPONSE TO RESTRICTION REQUIREMENT**

in the above identified application.

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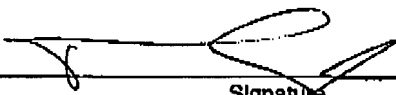
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39,533 516-742-4366  
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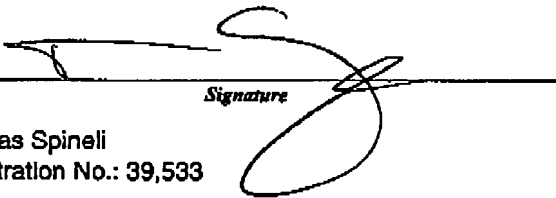
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No. 0702 P. 5

<b>TRANSMITTAL LETTER</b> (General - Patent Pending)				Docket No. 17272									
In Re Application Of: <b>Tsutomu Okada</b>													
Application No. <b>10/718,189</b>	Filing Date <b>November 20, 2003</b>	Examiner <b>Peter J. Vrettakos</b>	Customer No. <b>23389</b>	Group Art Unit <b>3739</b>	Confirmation No. <b>9810</b>								
Title: <b>DIATHERMIC CUTTER</b>													
<u>COMMISSIONER FOR PATENTS:</u>													
Transmitted herewith is: <b>RESPONSE TO RESTRICTION REQUIREMENT</b>													
In the above identified application.													
<input checked="" type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <b>19-1013/SSMP</b> as described below. <input type="checkbox"/> Charge the amount of _____ <input type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>													
 _____ <i>Signature</i>			Dated: May 24, 2007										
Thomas Spinelli Registration No.: 39,533			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</td> </tr> <tr> <td colspan="2" style="text-align: center;">(Date)</td> </tr> <tr> <td colspan="2" style="text-align: center;">_____ <i>Signature of Person Mailing Correspondence</i></td> </tr> <tr> <td colspan="2" style="text-align: center;">_____ <i>Typed or Printed Name of Person Mailing Correspondence</i></td> </tr> </table>			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____		(Date)		_____ <i>Signature of Person Mailing Correspondence</i>		_____ <i>Typed or Printed Name of Person Mailing Correspondence</i>	
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(Date)													
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>Applicant:</b>	Tsutomu Okada	<b>Examiner:</b>	Peter J. Vrettakos
<b>Serial No:</b>	10/718,189	<b>Art Unit:</b>	3739
<b>Filed:</b>	November 20, 2003	<b>Docket:</b>	17272
<b>For:</b>	DIATHERMIC CUTTER	<b>Dated:</b>	May 24, 2007
<b>Conf. No.:</b>	9810		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

Pursuant to the restriction requirement imposed in the Official Action dated April 25, 2007, Applicant elects the claims of Group I, i.e., Claims 59-64, for continued prosecution herein.

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Dated: May 24, 2007

  
Thomas Spinelli

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Claims 59-71 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

Group I, Claims 59-64, drawn to a single electrode monopolar diathermic cutter, classified in class 606, subclass 45; and

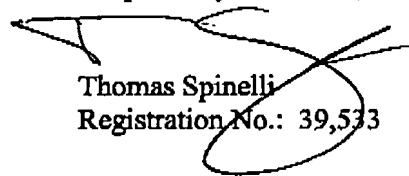
Group II, Claims 65-71, drawn to a double electrode bipolar diathermic cutter, classified in class 606, subclass 45.

It is the Examiner's position that the inventions listed as Groups I and II are distinct from each other.

In response to the Examiner's requirement for restriction, Applicant elects to prosecute the subject matter of Group I, Claims 59-64. However, Applicant reserves the right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at an early date, is earnestly solicited.

Respectfully submitted,



Thomas Spinelli  
Registration No.: 39,533

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